



सत्यमेव जयते

THE JHARKHAND GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

4 Kartik , 1943 (S)

No. 537

RANCHI, Tuesday, 26th October, 2021

ROAD CONSTRUCTION DERPARTMENT

Notification (अधिसूचना)

16th September, 2021

Notification No. प०नि०वि०/वि०वि०-06-143/2010- No-RCD-6- (Misc.)--In exercise of the powers conferred by section 2 of The Indian Tolls (Jharkhand Amendment) Act 2002, the Government of Jharkhand hereby makes the following amendment rules for collection of user fee for use of state roads and / or bridges including interchanges, flyovers, ROB/RUB, bypasses and tunnels thereon other than National Highways and / or bridges interchanges, flyovers, ROB/ RUB, by passes and tunnels, namely:-

1. Short title and commencement :-

- (1) These rules may be called the Jharkhand Highways Fee (Determination of Rates and Collection) Amendment Rules, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall not apply to agreements and contracts executed and bids invited prior to the publication of these rules, unless specifically provided for otherwise.

2. Amendments in Rule 2 :-

After the definition in the exiting clause (c) of Rule 2, the following new clause as clause (ca) shall be inserted –

A)

(ca) “Composition User Fee” means the levy of consolidated user fee, for use of state roads and or commuting on roads and / or bridges including interchanges, flyovers, ROB/RUB, bypasses and tunnels thereon in mining areas, for such period and on such conditions as may be specified under these rules; in addition to the user fee payable under rule 3 of these Rules.

After the definition in the exiting clause (j) of Rule 2, the following new clauses as clause (ja) shall be inserted –

(ja) "Local Areas" for the purposes of these Rules mean the areas within the limits of a –

- | | |
|---------------------------|-----------------------------|
| (a) Municipal Corporation | (g) Town Board |
| (b) Municipality | (h) Municipal Committee |
| (c) Zila Parishad | (i) District Board |
| (d) Mines Board | (j) Notified Area Committee |
| (e) Municipal Board | (k) Cantonment Board |
| (f) Gram Panchayat | |

- (l) Any Other Local Authority or any Authority by whatever nomenclature called, constituted or continued under or in any law for the time being in force.

After the definition in the exiting clause (k) of Rule 2, the following new clause as clause (ka) shall be inserted –

- (ka) – "Mining Areas" for the purposes of these Rules mean all such areas falling under the Mines Act, 1952, MMDR Act 1957 (as amended), MCR 1960 (as amended), JMMC 2004 (as amended) and The Jharkhand Minerals (Prevention of illegal Mining, Transportation and Storage) Rules, 2017; including the areas falling for the purpose of washing and processing of mined goods, loading, unloading and transportation of all such mined goods, whether or not falling within any Local areas, and as specified in this behalf.

After the definition in the exiting clause (r) of Rule 2, the following new clause as clause (s) shall be inserted –

- (s) – "state roads" for the purposes of these rules mean the state Highways, roads and / or bridges including interchanges, flyovers, ROB/RUB, bypasses, tunnels as constructed through any state public funded project or "deposit work(s)", and includes all such roads falling within any mining areas thereon; but excluding the National Highways and / or bridges interchanges, flyovers, ROB/ RUB, by passes and tunnels; as constructed through any Central Government Project.

B)

The existing definition of clause (k), shall be substituted by the following -

- (k) – "mechanical vehicle" means any vehicle driven under its own power including a motor vehicle, whether loaded or unloaded and as defined under the Motor Vehicles Act, 1988; and as specified and or prescribed by a notification under these Rules.

3. Amendment in rule 3

The existing sub-rule (1) of rule 3 and sub-rule (2) of rule 3 shall be substituted as under: -

Sub-rule (1)- The Government may by notification, levy user fee for use of any section of state roads and or commuting in mining areas, as the case may be, by a mechanical

vehicle, in accordance with the provisions of these rules and or as specified or prescribed under these Rules.

Provided that the Government may by notification, exempt any section of state roads or commuting on roads and / or bridges including interchanges, flyovers, ROB/RUB, bypasses and tunnels thereon in mining areas from levy of such user fee or part thereof, and subject to such conditions as may be specified in this behalf.

Sub-rule (2)- The collection of user fee as levied under sub-rule (1) of rule 3, shall commence from such date as may be specified by a notification in this behalf, from the date of completion of the section of state roads.

4. Insertion of a new rule as rule 3A, after the existing Rule 3;

Rule 3A - Composition user fee

- 1) Notwithstanding anything contained in rule 3 of these rules; the State Government may, by a notification in the official Gazette, in addition to the amount of user fee payable under these Rules; provide for a scheme for payment of composition user fee for such period, and payable by all such mechanical vehicles, which are liable to pay user fee for use of any state roads or part thereof or commuting in mining areas as the case may be, subject to such conditions and such restrictions, as may be specified and or as prescribed in this behalf.
- 2) The levy of such composition user fee shall be based on to and fro basis, and such user fee shall be such amount for one way, or such amount(s) as may be specified in this behalf; and such amount(s) may be revised after such intervals, as may be notified in this behalf.
- 3) Any such mechanical vehicle liable to pay the composition user fee under this rule contravenes any of the provisions of this rule for the payment of the specified composition user fee, shall be liable to pay penalty, thrice the amount of such composition user fee payable.
- 4) The composition user fee may be based on the, "to and fro" basis. Such user fee shall be Rs. 600/- for each way. For this purpose, the base year shall be the year 2021.

Provided such user fee rate may be revised yearly at the rate not exceeding @ 10% per year, on every first of April, each year.

5. Amendment in rule 6

Insertion of a new sub-rule (8) after the existing sub-rule (7) of rule 6 –

(8) In addition to the user fee collection through toll plaza(s), the state government may by notification, implement the payment of such user fee or the composition user fee, on-line / off-line, from such mechanical vehicles or from such other commercial vehicles for the use of state roads and or for transporting the minerals and or other commercial goods, and the payment of such user fee or the composition user fee shall be mandatory for the issuance of e-challan/ challan, by the authority authorized for issuance of such challan for transportation of such goods.

6. Amendment in rule 8

A)

The sub-rule (1) of rule 8 and sub-rule (2) of rule 8 shall be substituted as under: –

Rule 8. Location of toll plaza. — (1) The executing authority or the concessionaire, as the case may be, shall establish a toll plaza beyond a distance of ten kilometres from a municipal or local town area or within mining area limits:

Provided that the executing authority may, for reasons to be recorded in writing, locate or allow the concessionaire to locate a toll plaza within a distance of ten kilometres of such municipal or local town area limits, but in no case within five kilometres of such municipal or local town area limits..

Provided further that where a section of the state roads are constructed or to be constructed within the municipal or town area limits or within mining areas limits within five kilometres from such limits; the toll plaza(s) may be established, within the local area limits or within a distance of five kilometres from such limits.

Sub-rule (2) Any other toll plaza on the same section of state roads in the same direction shall not be established within a distance of forty kilometres:

Provided that where the state government deems necessary, it may for reasons to be recorded in writing, establish or allow the executing authority or the concessionaire or an agent to establish another toll plaza within a distance of forty kilometres:

Provided further that a toll plaza may be established within a distance of forty kilometres from another toll plaza, if such toll plaza is required for collection of user fee for use of any section of state roads and or mining areas or in mining areas.

B)

Insertion of a new sub-rule (3) after the existing sub-rule (2) of rule 8 –

Sub-rule (3) notwithstanding anything contained in these rules; all such mineral carrying commercial vehicles and or other commercial vehicles carrying/transporting goods; falling under the category of commercial vehicles; the user fee and or the composition user fee may be collected without erection of toll plaza(s).

Explanation I - The section(s) of state roads wherever used in these rules, apart from the amendments, shall deemed to be substituted and construed to mean; section of road and or mining area roads and/or bridges including interchanges, flyover, ROB/RUB, by passes and tunnels; section of road and or mining area roads and/or bridges including interchanges, flyover, ROB/RUB, by passes and tunnels thereon but other than National Highways and / or bridges interchanges, flyover, ROB/RUB, by passes and tunnels.

7. उक्त संशोधन नियमावली के कार्यान्वयन की प्रणाली निम्न होगी:-

- (i) खान एवं भूतत्व विभाग द्वारा खनन शुल्क हेतु चालान/ई-चालान निर्गत करने की प्रणाली है ।
उक्त प्रणाली में खनन क्षेत्र में Mineral Carrying Commercial Vehicle से User Fee को समाहित करने हेतु खान एवं भूतत्व विभाग के माध्यम से कार्रवाई की जाएगी ।
- (ii) User fee or Composition User Fee को राज्य के राजस्व एवं प्राप्तियाँ शीर्ष में सड़क के निर्माण/मरम्मत के निमित्त जमा करने हेतु नियमानुसार सुसंगत शीर्ष के गठन की कार्रवाई वित्त विभाग के माध्यम से की जायेगी ।
- (iii) Web portal के माध्यम से ई-चालान के सृजन हेतु सूचना, प्रौद्योगिकी एवं ई-गवर्नेन्स विभाग के माध्यम से कार्रवाई की जाएगी ।

8. प्रस्ताव पर मंत्रिपरिषद् का अनुमोदन प्राप्त है ।

यह राजपत्र में प्रकाशन के तिथि से लागू होगा ।

झारखण्ड राज्यपाल के आदेशानुसार,

सुनील कुमार,
सचिव,
पथ निर्माण विभाग,
झारखण्ड, राँची ।
